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FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

OCT 16 2012

BY D. MARK JONES, CLERK  
DEPUTY CLERK

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IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF UTAH CENTRAL DIVISION

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Honorable Clair M. Poulson,  
Judge of the Duchesne County  
Justice Court, and Derek  
Dalton,

Civil No. 212-CV-00497

Plaintiff(s),

DEFENDANT INDIAN'S MOTION IN  
OPPOSITION TO UTE TRIBE'S  
MOTION TO DISMISS

v.

Edson Gardner, and Lynda Kozlowicz,  
and Athenya Swain, and Johnny Slim.

Defendant(s),

Judge, Bruce S. Jenkins

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Defendant, Edson Gardner, and Lynda Kozlowicz, and  
Athenya Swain, and Johnny Slim, submits Indian's Motion In  
Opposition To Ute Tribe's Motion To Dismiss. Defendant Indians  
have right to file claims against Plaintiff Duchesne County  
Justice Court Hon. Clair Poulson Judge, and Derek Dalton.  
District Court has subject matter jurisdiction grounds and to  
refrain Hon. Poulson, Duchesne County Justice Court, and Derek  
Dalton from exercising civil or criminal jurisdiction in  
manner that conflicts with federal law within exterior

boundaries of Uintah and Ouray Indian Reservation, as those boundaries were set forth by Tenth Circuit Court of Appeals in, Ute Indian Tribe of the Uintah and Ouray Indian Reservation v. State of Utah, 114 F. 3d 1513 (10th Cir. 1997), from interfering in any way with tribe's exercise of criminal and civil or regulatory jurisdiction within exterior boundaries of Uintah and Ouray Indian Reservation, as those boundaries were set forth by Tenth Circuit and Federal District Court Order. Defendant Indians brought action as jurisdiction waiver of sovereign immunity through combination pursuant to Civil rights and elective franchise, 28 U.S.C. 1343, under any Act of Congress to enforce due process of Indian Civil Rights Act, Indian Civil Rights Act, 25 U.S.C. 1301-03. Defendant Indians contends, Act by itself is not jurisdictional, Pre-existing grant of jurisdiction under 28 U.S.C. 1343(4), serves as basis upon which to enforce any alleged violation of provisions of Indian Civil Rights Act which would, if Defendant Indian's arguments was accepted, be unenforceable and thus almost meaningless in determining whether there was cause of action under federal statutes in question. The situations implied appropriate remedy to carry out any Congressional purposes, is now become due process and civil rights violations of all Indians within the Uintah and

Ouray Indian boundaries.

In Trial of right of property; burden of proof, 25 U.S.C. 194, which provides that in trials involving title to property where an Indian is on one side and a White Person on the other, the burden of proof rest upon the White Person, Whenever the Indian shall make out a presumption of title in himself from the fact of previous possession or ownership. The statute was applied by Supreme Court. Wilson v. Omaha Indian Tribe, 442 U.S. 653 (1979).

The authority for Motion of Defendant Indians supporting Memorandum filed with this Motion is attached herein.

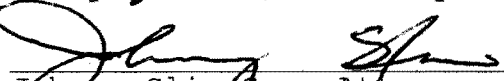
WHEREFORE, Defendant Indians respectfully request honorable District Court to grant claims against Plaintiff Hon. Judge Poulson, Duchesne County Justice Court, and Derek Dalton.

Respectfully submitted this day 15 of Oct. 2012.

  
Edson Gardner, Attorney Pro-Se.

  
Lynda Kozlewicz, Attorney Pro-Se.

  
Atheyna Swain, Attorney Pro-Se.

  
Johnny Slim Sr., Attorney Pro-Se.

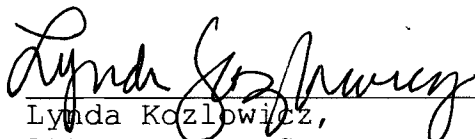
**CERTIFICATION OF SERVICE**

This is to certify true and correct copy of **DEFENDANT INDIAN'S MOTION IN OPPOSITION TO DEFENDANT UTE TRIBE'S MOTION TO DISMISS**, foregoing document was delivered by mail first class, postage prepaid and addressed as follows on this 15, day of Oct. 2012.

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